

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

GET BACK UP, INC.,

Plaintiff,

v.

Case No. 11-CV-13909

CITY OF DETROIT and
CITY OF DETROIT BOARD OF ZONING
APPEALS,

Defendants,

ORDER SETTING BRIEFING SCHEDULE

On August 13, 2012, the court conducted a telephone conference with counsel for the above-captioned case. During the conference, the court discussed with counsel the most efficient manner in which to proceed to a final resolution of this matter. Based on previous conferences with counsel, the court believes that much of this case can be determined through motion practice, based on a designated factual record. Plaintiff originally filed a combined motion for preliminary injunction and permanent injunction, and at this point only the preliminary injunction has been resolved. For docketing purposes, however, Plaintiff will need to file a separate motion for permanent injunction. Accordingly,

IT IS ORDERED that Plaintiff shall file its motion for judgment on or before **August 17, 2012**. The motion shall be based on a set of stipulated and undisputed material facts¹ to be incorporated into Plaintiff's motion but shall not count toward the

¹Plaintiff is directed to take the initiative in arriving at a stipulated set of material facts. Counsel may agree among themselves how best to achieve the end product, but the court suggests that Plaintiff deliver its proposed facts, with citations to the record, to

page limit. Defendants shall file their cross-motion, supported by a combined brief in opposition to Plaintiff's motion and in support of their motion, by **August 31, 2012**. The argument portion of the brief shall be limited to twenty-five pages in length.

Plaintiff shall file its combined reply and response brief by **September 7, 2012**. The argument portion of the brief shall be limited to twenty-five pages in length.

Defendants shall file their reply brief no later than **September 14, 2012**. The brief shall be limited to ten pages in length.²

A hearing is tentatively set for **September 25, 2012 at 9:30 a.m.** The parties should be on notice that the court will commonly cancel hearings and determine motions solely on the briefs. See E.D. Mich. LR 7.1(f)(2).

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: August 14, 2012

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, August 14, 2012, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522

Defendants' counsel and that Defendants react to the proposed facts, indicating which facts are not agreed to and why. Defendants should also propose any additional material facts with supporting citations. Plaintiff should then incorporate all undisputed material facts into its opening brief. If counsel discover that there are *material* facts proposed by either party that cannot be stipulated, they should consult the court for guidance. A trial or evidentiary hearing may be required.

²If counsel determines they need additional pages to adequately address the relevant issues, they may contact the court's case manager, who has authority to grant reasonable page length extensions upon request. If the request is not granted by the case manager, counsel will need to file a motion for leave to exceed the page limit.